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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,472	08/01/2003	Jonathan T. Kemper	DEI 007 UTL	7442
35070	7590	03/23/2005	EXAMINER	
ANATOLY S. WEISER, ESQ 674 VIA DE LA VALLE SUITE 216 SOLANA BEACH, CA 92075			A, MINH D	
			ART UNIT	PAPER NUMBER
			2821	

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/633,472

Applicant(s)

KEMPER, JONATHAN T.

Examiner

Minh D A

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 and 54-63 is/are pending in the application.
- 4a) Of the above claim(s) 43-53 and 64-66 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 32, 54 and 57 is/are rejected.
- 7) ☒ Claim(s) 4-31, 33-42, 55, 56 and 58-63 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/01/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-3, 32-33, 54 and 57 are rejected under 35 U.S.C. 102(b) as being unpatentable by Spero (US2004/0105264).

Regarding claim 1, Spero discloses an instrument for displaying temperature as color, the instrument comprising: a plurality of color sources (light sources (3) or LEDS), each color source being capable of engendering color of a different wavelength and variable apparent intensity, said each color source comprising an input capable of receiving a signal controlling color intensity of said each color source; an electronic device (7) comprising: an input that receives temperature readings indicative of the temperature to be displayed, circuitry that determines a plurality of color intensity values for each temperature reading (8), one color intensity value per said each color source,

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and generates a plurality of color intensity signals to control intensities of the plurality of color sources, one color intensity signal per said each color source, the color intensity signal of said each color source being controlled by the color intensity value of said each color source, a plurality of outputs coupling the color intensity signals to the inputs of the color sources, the color intensity signal of said each color source being coupled to the input of said each color source; and a combiner of the colors engendered by the plurality of color sources. See figures 1-17, col.11, lines [0097]- lines [0098] to col.28, lines [0197] to lines [0196].

Regarding claim 2, Spero discloses wherein: said plurality of color sources (3) comprises a plurality of light emitters capable of emitting light of variable intensity, one light emitter per color source, the color engendered by said each color source comprising the light emitted by the light emitter of said each color source, the color intensity signal of said each color source controlling intensity of the light emitted by the light emitter of said color source; and said combiner comprises a lens assembly positioned to receive and converge the light emitted by the light emitters. See figures 2-17.

Regarding claim 3, Spero discloses wherein the circuitry of the electronic device (7) comprises a memory and a digital processor executing program code stored in the memory. See figures 2-17.

Regarding claim 32, Spero discloses a displaying temperature as emitted light, the instrument comprising: a multicolor LED device comprising: a plurality of substantially monochromatic LEDs, each substantially monochromatic LED being

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capable of emitting light of a different wavelength, said each substantially monochromatic LED comprising an input for receiving a signal controlling the light emitted by said each substantially monochromatic LED, and a lens assembly positioned to receive and converge the light emitted by the plurality of substantially monochromatic LEDs; and an electronic device comprising: an input that receives temperature readings indicative of the temperature to be displayed, circuitry that determines a plurality of color intensity values for each temperature reading, one color intensity value per said each substantially monochromatic LED, and generates a plurality of color intensity signals to control intensities of the plurality of substantially monochromatic LEDs, one color intensity signal per said each substantially monochromatic LED, the color intensity signal of said each substantially monochromatic LED being controlled by the color intensity value of said each substantially monochromatic LED, and a plurality of outputs coupling the color intensity signals to the inputs of the substantially monochromatic LEDs, the color intensity signal of said each substantially monochromatic LED being coupled to the input of said each substantially monochromatic LED. See figures 1-17, col.11, lines [0097]- lines [0098] to col.28, lines [0197] to lines [0196].

Regarding claim 33, Spero discloses wherein the circuitry of the electronic device comprises a memory and a digital processor executing program code stored in the memory. See figure 2.

Regarding claim 54, Spero discloses a displaying temperature as color, the instrument comprising: means for engendering colors of different wavelengths and

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intensities controlled by a plurality of color intensity signals, one color intensity signal per engendered color; means for receiving temperature readings indicative of the temperature to be displayed and determining a plurality of color intensity values for each temperature reading, one color intensity value per said each engendered color; means for generating the plurality of color intensity signals controlled by the plurality of color intensity values; and means for converging the engendered colors. See figures 1-17, col.11, lines [0097]- lines [0098] to col.28, lines [0197] to lines [0196].

Regarding claim 57, Spero discloses an obtaining temperature indications', translating each temperature indication into a plurality of basic constituent colors by computing a plurality of color intensity values, one color intensity value per basic constituent color; generating the colors of the plurality of basic constituent colors, each generated basic constituent color having intensity determined by the color intensity value of said each basic constituent color; and converging the generated basic constituent colors. See figures 1-17, col.11, lines [0097]- lines [0098] to col.28, lines [0197] to lines [0196].

Allowable Subject Matter

3. Claims 4-20, 22-31, 33-42, 55-56, 58-62 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art does not teach that, wherein the temperature readings comprising

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digital indications of temperature, the instrument further comprising an analog-to-digital converter that receives analog indications of temperature, and digitizes the analog indications of temperature to convert the analog indications of temperature into the digitized indications of temperature recited in dependent claims 4, 34, 55 and 58.

The prior art does not teach that, a plurality of buffer circuits coupling the outputs of the electronic device to the inputs of the color sources, a buffer circuit per said each color source, the buffer circuit of said each color source being interposed between the input of said each color source and the output of the electronic device corresponding to said each color source recited in dependent claim 21.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Stam et al (US 2002/0047624) and Cochran et al. (US 5,365,084) are cited to show a multiple colors of light sources.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Minh A whose telephone number is (571) 272-1817. The examiner can normally be reached on M-F (5:30 –2:30 PM).

If attempts to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Don Wong, can be reached on (571) 272-1834. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and (703) 872-9319 for final communications.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (571) 272-1553.

Shih-Chao Chen
SHIH-CHAO CHEN
PRIMARY EXAMINER

Examiner

Minh A

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3/18/05